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SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 March 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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ORGANIZATION OF THE WORK OF THE SESSION

The meeting was called to order at 10 a.m.

STATEMENT BY MR. URAL LATYPOV, MINISTER FOR FOREIGN AFFAIRS AND DEPUTY PRIME MINISTER OF THE REPUBLIC OF BELARUS

1. Mr. LATYPOV (Belarus) affirmed the commitment of the Republic of Belarus to the values of human rights, but stressed that the pace at which those rights were realized inevitably depended on the attitudes, traditions and political and economic circumstances of individual countries. Belarus was moving gradually towards a market economy and a multi-party political system, not without difficulty, but with the support of the population. It was one of the few countries of the former Soviet sphere in which civil peace had been preserved. It was thus regrettable that, with scant regard for objectivity, some States placed Belarus on the blacklist of countries that violated human rights, whereas it was in fact a multinational State in which all citizens enjoyed equal rights, a State of many religious faiths in which freedom of worship was guaranteed, a State that was experiencing neither internal conflict nor war on its frontiers, and one with a low crime rate. Furthermore, it was attracting more and more refugees from other countries and illegal immigration was becoming a real problem.

2. The Government of Belarus aspired to maintain objective, honest and just relations with the international community. In 1997 it had been visited, at its own request, by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and it was intending to invite the Special Rapporteur on religious intolerance to visit the country in 1999. A group of observers from the Organization for Security and Cooperation in Europe (OSCE) had been in Minsk since February 1998. The work done with that group in the legislative sphere had been satisfactory and rewarding, although Parliament had not adopted all its proposals.

3. Historically and geographically, Belarus was part of Europe, and it could not conceive of itself other than as belonging to the European home and endorsing its values. It was a party to the principal international human rights instruments. That being said, the Belarusian authorities did not subscribe to the commonly held view that the process of codification of international human rights law must now be regarded as completed. It was clear that universal ratification of basic international human rights instruments was not enough to guarantee such fundamental rights as the right to a healthy environment and the right to sustainable development, or the elimination of poverty.

4. Environmental questions were not purely theoretical in Belarus, as hundreds of thousands of people were still suffering from the effects of the Chernobyl disaster. When, in the name of human rights, citizens of countries such as Germany and Belgium were assisting the victims of Chernobyl in Belarus, it was hard to understand how others could invoke those same rights as justification for reducing their political and economic cooperation with Belarus. The Belarusian Government was convinced that only a constructive and balanced approach to protection of human rights could be fruitful. It supported the Declaration on Human Rights Defenders and the Declaration on the Right to Development; it had responded with interest to the joint initiative

by the United Nations High Commissioner for Human Rights and the Director-General of UNESCO aimed at strengthening training in human rights; and had just drawn up a five-year plan on human rights education.

5. The municipal elections to be held on 4 April 1999 would mark an important stage in the democratization of the country and the beginning of a three-year period of elections, with elections to the legislature to be held in 2000, followed by presidential elections in 2001. International observers had been invited to participate in the process. The new law on municipal elections would serve as a model for the future electoral code. The elections to the municipal councils were generating considerable interest, as witnessed by the fact that more than 27,000 candidates were standing for election.

6. In conclusion, he said that the Republic of Belarus was aware that much remained to be done in the area of human rights, but that his country remained receptive to constructive cooperation.

STATEMENT BY MR. JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY

7. Mr. FISCHER (Germany), speaking on behalf of the States members of the European Union, of the countries of central and eastern Europe having associate status with the European Union, and of Cyprus, said that although more people than ever before lived in democratic systems and general awareness of the importance of human rights had grown, violations of those rights continued in many countries. According to Amnesty International, there were still government-ordered murders in 55 countries, and political prisoners in 87 countries. Women, children, old people and refugees were the first victims of wars and conflicts. The civilian population was the target of unbridled violence, not only in many parts of central Africa and Asia, but also in Europe. The massacre at Racak in Kosovo had rightly been classified as a crime against humanity. The situation in that region was explosive, and he appealed to the Yugoslav Government to sign the peace plan drawn up by the Contact Group, as the Kosovo Albanians had done, before it was too late.

8. In recent years human rights had become much more important in foreign policy. There were two reasons for that: first, present-day wars and conflicts came about more because of internal tensions than because of international tensions. It followed that the rights of individuals would occupy an increasingly central place in the international community's definition of security, whereas formerly it had concerned itself more with national interests. Given that democracies with well-developed civil societies rarely waged war against one another, the promotion of democracy and human rights was the best means of safeguarding peace. Secondly, economic success would not be lasting unless human rights were observed and the rule of law guaranteed constitutionally. That was the lesson to be learned from the Asian crisis. The efforts made by poor countries to stimulate their economic development were bound to be unsuccessful if democracy and human rights were suppressed. As Professor Amartya Sen, recipient of the Nobel Prize for Economics, had shown, famines occurred much less frequently in democracies than in dictatorships. Good governance based on respect for human rights,

on the separation of powers and on functioning democratic, legal and constitutional structures was of central importance for economic development. All those elements would no doubt fuel the debate on the right to development.

9. In an increasingly interdependent world, human rights were no longer a purely internal matter or one determined by local culture. Today, the main concern was to strengthen the universality of human rights. The adoption of the Statute of the International Criminal Court had been a major step forward and all States should sign and ratify the Statute quickly so as to enable the Court to commence its work and allow the victims of violations to obtain reparation. In that connection the States members of the European Union believed that the death penalty could not be justified either ethically or legally, and that it had not proved to be an effective means of combating crime. It would therefore be submitting its first joint resolution on the death penalty, whose minimum aims were to prevent the execution of minors and the mentally ill, enforcement of the death penalty before completion of ongoing procedures and extradition to countries where the death penalty was in force.

10. In future special priority must be given to women's rights. Equality between the sexes remained a Utopian ideal in many countries where women were victims of discrimination and violence or of deplorable practices such as genital mutilation, which must be prohibited by law in all societies; for nothing - not even a cultural tradition - must be allowed to impair the right to physical integrity. The recent adoption by the Commission on the Status of Women of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which would enable women to lodge individual complaints with an international body, was therefore to be welcomed; and it was to be hoped that the protocol would quickly enter into force. It was also high time that work on the drafting of the optional protocols on the involvement of children in armed conflicts, the sale of children and child prostitution was brought to a successful conclusion.

11. The European Union was intending to draw up its first human rights report before the end of 1999, with a view to increasing the transparency of its human rights policy and to dealing with specific issues or countries. Internally, it would lend more support to the cause of human rights. Thus, pursuant to the Amsterdam Treaty, respect for human rights, democracy and the rule of law would be prerequisites for membership of the European Union, and limitations might be imposed on member States' rights if those criteria were not observed. The European Union had established a European Monitoring Centre for Racism and Xenophobia in Vienna and was examining the possibility of drawing up a European charter of fundamental rights. Having seen for itself the value of action by human rights defence groups in various countries, it would continue tirelessly to support democrats and human rights activists wherever they were oppressed.

12. Thus, it regarded as unacceptable the very severe prison sentences imposed in China upon civil rights activists who had merely exercised the rights guaranteed by the Universal Declaration of Human Rights, and by the International Covenant on Civil and Political Rights, which China had signed in 1998. The general human rights situation in China, where the death penalty was imposed with undue frequency and administrative detention was common

practice, did not comply with established international standards. Although China had already made some progress towards modernization, the European Union remained convinced that granting democratic rights, not suppressing them, was the only viable basis for sustainable development. It was also concerned about the situation of minorities, particularly in Tibet. It therefore urged the Chinese Government to ensure that progress in the international sphere was followed by concrete improvements in respect for human rights, democracy and the rule of law. The European Union was ready, for its part, to engage in a more focused dialogue on human rights and to continue its cooperation programme in support of that process.

13. Implementation of a preventive human rights policy was an essential task which the Office of the High Commissioner for Human Rights had successfully taken up, particularly in the context of the programme of advisory services and technical cooperation. The European Union therefore strongly supported those activities, both materially and at other levels. Furthermore, conscious of the often positive effect of the work of many non-governmental organizations active in the defence of human rights, it was prepared further to intensify its dialogue with those organizations. However, for the future it would be important for other players in civil society, particularly economic enterprises, to give fuller recognition to the link between human rights and sustainable development, and to make their own contribution to the protection of human rights. The process already under way must be continued and intensified.

14. In conclusion, he stressed that while Europeans repeatedly pointed out that the suppression of human rights was unacceptable and that they would strive to promote the development of peace and democracy throughout the world, they did not do so in a spirit of arrogance or in order to impose their own values on other countries. Their aim was to improve the implementation of internationally recognized human rights standards throughout the world, and all participants in the session of the Commission would have to concentrate their efforts on means of securing that common objective.

STATEMENT BY MR. MATÉ GRANIĆ, DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF CROATIA

15. Mr. GRANIĆ (Croatia) said that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the implementation of the Vienna Declaration and Programme of Action had provided an opportunity to assess the human rights situation throughout the world. It was the common view that, while a lot had already been achieved, much remained to be done in that sphere. It must be hoped that everyone would try to ensure that the twenty-first century would truly be the "century of human rights". The Commission could play a crucial role in that regard in view of the importance of its work in protecting and promoting human rights.

16. He then drew attention to the progress made in the sphere of human rights and in other related spheres in Croatia. Apart from a few isolated incidents, the security situation was improving, especially in the Croatian Danube region and in other formerly occupied areas. The National Confidence-Building Committee, the only such body in the territory of the

former Yugoslavia, was dealing successfully with the problems, particularly at the local level. The Croatian Government was also doing its utmost to speed up the return of all the refugees and displaced persons to their homes. A total of 56,000 persons had so far returned from the Federal Republic of Yugoslavia, Bosnia and Herzegovina, and the Croatian Danube region. However, Croatia needed international aid to facilitate the return process and to reconstruct the country and revitalize its economy.

17. Croatia had always maintained good relations with the succession of special rapporteurs on the human rights situation in the territory of the former Yugoslavia, including the latest, Mr. Jiri Dienstbier, who had already paid two visits to Croatia. However, the Croatian Government noted with regret that no mention had ever been made of Croatia's efforts to comply with the Special Rapporteur's recommendations. His mandate was automatically extended without any comprehensive review of the human rights situation in each of the three countries in question. Croatia was the only one of those countries which was a member of the Council of Europe and therefore subject to a powerful human rights protection mechanism in the shape of the European Court of Human Rights. The Government regretted that the international community took hardly any notice of that fact and that, in particular, in spite of their many differences in terms of respect for democracy and human rights, those three countries were still lumped together by the Special Rapporteur. It was to be hoped that separate approaches would be taken following the establishment in Croatia in the near future of a technical assistance and cooperation project of the Office of the United Nations High Commissioner for Human Rights, which would mark the beginning of a gradual transition from monitoring to active engagement of the Office in the promotion and protection of human rights in Croatia. The talks which had already begun on defining the legal status of the regional office in Zagreb should result in the conclusion of an agreement between Croatia and the High Commissioner during her visit to Croatia in May.

18. Croatia had always been open to all forms of cooperation, not only with the United Nations but also with other regional organizations, including the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, as well as with NGOs. In that connection it emphasized the need to improve the coordination among those various organizations in order to avoid duplication of work. Croatia had also signed and ratified all the relevant human rights instruments, both international and regional. At the domestic level, a Constitutional Court had been established under the Croatian Constitution to deal with complaints of violation of the Constitution lodged by individuals and groups who believed that their human rights had been violated by decisions of administrative bodies. In addition, in 1996 the Government had set up a working group to review the compatibility of domestic legislation with the provisions of the European Convention on Human Rights and its protocols, in order to bring such legislation more into line with the established European standards. On the working group's recommendation, the Government had requested the Council of Europe to provide it with the assistance of experts for drafting legislation. Various other bodies had been created to protect human rights, including the National Committee for Human Rights Education, which had prepared a programme of human rights education, to be introduced shortly in all educational establishments; the programme had been declared a model of its kind by the Council of Europe experts.

19. Like all other Member States, Croatia had commemorated the fiftieth anniversary of the Universal Declaration of Human Rights, holding a number of events in which many individuals, national human rights institutions, prominent academics, national minorities and NGOs had taken part. It should be stressed in that connection that Croatia currently had 1,305 national, 48 international and 14,000 local NGOs. The Government had established an NGO cooperation office and had organized several events at which NGOs had been able to present their programmes of work in various fields (social welfare, humanitarian assistance, promotion of human rights).

20. Croatia had also been cooperating with the International Criminal Tribunal for the Former Yugoslavia and its Zagreb office from the outset, but in particular since the promulgation in 1996 of the Constitutional Act on cooperation with the Tribunal. It had extradited all the persons suspected of war crimes present in its territory and had negotiated the handover of 10 Bosnian Croats to the Tribunal.

21. He wished to re-emphasize in conclusion the importance of the role of the Commission on Human Rights in the establishment, protection and promotion of human rights, as well as the great responsibility shared by all to do everything possible to ensure that, on the threshold of the new millennium, all the world's citizens could freely exercise their rights.

STATEMENT OF MR. BRONISLAW GEREMEK, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND

22. Mr. GEREMEK (Poland) commented that everything had already been said about human rights and that it was hard to have a serious debate on the subject. The regimes responsible for daily violations of human rights hypocritically asserted that their policies were designed to ensure respect for such rights, and the opinion was even voiced that human rights were merely a European invention and that any attempt to impose them in other parts of the world was an act of cultural imperialism. Yet no human culture worthy of the name would deny the fact that all human beings were born free and equal in dignity and rights. It was indeed pointless to debate the legitimacy of human rights, for history showed clearly that they were increasingly respected in an increasing number of countries. It was important in that connection to welcome the return of Nigeria to the family of democratic States, for democracy invariably sustained respect for human rights even if it did not itself guarantee them. That example also demonstrated the importance of international solidarity, because without the heroic struggle of the Nigerian defenders of human rights and without the international support which they had received, in particular from the United Nations, Nigeria would still be subject to a military dictatorship.

23. It was important to stress that the violation of human rights was not an internal affair of any State: it was an internal affair of all mankind, and mankind had the right to intervene in its own internal affairs. In fact, States in which human rights were respected did not go to war, did not experience starvation, and did what they could to help others. It was thus in the interest of any country to have such States for neighbours. Sixty years after the war unleashed by a totalitarian regime and 10 years after the defeat

of another totalitarian regime it had become clear that anyone who encroached upon the human rights of any individual impaired the security of all people. That was why civil and political rights had made so much progress in recent decades. However, although respect for political rights was a necessary condition, it was not in itself sufficient for ensuring economic and social progress. Hence the imperative need for international solidarity in promoting economic and social rights. Without such solidarity the voices of the weakest would be increasingly less audible, and the enclaves of poverty or slavery would not disappear. The surviving dictatorships must be reminded that accommodation was the only means by which the vanquished could win a victory. However, it must not be thought that the defence of human rights ended with the arrival of democracy, for violations of human rights were also committed in democratic States. It was sufficient to recall the problems experienced by some national, religious, ethnic and sexual minorities in certain countries of Western Europe and North America and the intolerance experienced by the Roma and Sinti peoples in Central and Eastern Europe, including Poland. The struggle for human rights was a struggle without end.

24. Human rights were currently being threatened by globalization, which was giving rise in some countries to marginalization, poverty and perpetual underdevelopment. The United Nations must take preventive action in that area. It must create rules to minimize the negative side-effects of globalization and maximize the positive effects, in order to satisfy everybody's needs and improve the human rights situation throughout the world. The promotion of a permanent international dialogue on the protection of human rights, the establishment of mechanisms to oversee compliance with international commitments, and the provision of increased technical assistance by the more technologically advanced countries to the countries which lacked the necessary resources - those should be the basic human rights objectives of the United Nations. The Commission must play a leading role in the realization of human rights. It must therefore constantly adapt its procedures to the evolving situation and change its methods of work, in order to ensure that a State suspected by the international community of violating human rights could never prevent the Commission from taking up the issue. In the reform of the United Nations proposed by the Secretary-General, attention must be focused on strengthening the Commission's preventive capacity, and the High Commissioner for Human Rights must have all the financial and human resources needed for that purpose.

25. When taking over the presidency of OSCE in 1998, Poland had been determined to ensure the observance of human rights in the continent of Europe, because it had been convinced that only a Europe which respected human rights could be a secure Europe. Sadly, today Europe was not a secure place, and a new war might break out as a result of the Kosovo conflict. Poland therefore wished to remind the Yugoslav leaders that only a political dialogue could bring a just solution to the conflict and that they bore an enormous responsibility in that regard. The international community, for its part, must not only state the fundamental values but also show that it was capable of defending them, in Kosovo and anywhere else.

STATEMENT BY MR. MARTIN PALOUS, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE CZECH REPUBLIC

26. Mr. PALOUS (Czech Republic) said that the Commission's agenda was very ambitious in its scope and complexity, demonstrating the central importance of the question of human rights for the whole United Nations system and indicating the responsibilities of all the members of the Commission. At the preceding session the President of the Czech Republic, Mr. Vaclav Havel, had made a statement in the Commission on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, in which he had stressed that the incorporation of human rights principles in political relations had helped to put an end to the bipolar division of the world. He had also noted that globalization demanded a consistent and active human rights policy based on the principle of their indivisibility and universality. Having raised the question of the real content of the concept of human rights, Mr. Havel had stated his conclusion that it was something in which all could share and which constituted the basis of human dignity. Those simple ideas, which had brought Charter 77 into existence during the darkest years of the totalitarian regime in Czechoslovakia, illustrated the position which the Czech delegation would be taking throughout the session, a position based on the main international human rights instruments regulating the relations between the individual and the State.

27. In any event, whatever the outcome of the ongoing dialogue on the content of the concept of human rights in the twenty-first century, those who wanted to be regarded as serious and reliable participants in the international endeavour to promote the cause of human rights in the world had not only to make an active effort to ensure respect for such rights in their countries but also to accept the scrutiny of international bodies and possible criticism. The Czech Government was aware that the human rights situation in the Czech Republic was not perfect, owing partly to the difficult legacy of its past and to problems of the transition process. However, those shortcomings, which related mainly to the protection of the rights of ethnic minorities and of the Roma population in particular, could paradoxically prove to be a powerful springboard for the launching of an active and broad-minded human rights policy. The Government knew how difficult it was to bring about changes in legal systems and in people's attitudes in that sphere and sincerely appreciated any form of international cooperation in such matters.

28. The internationalization of human rights, which was the main achievement of the process initiated with the emergence of the United Nations system, had been accompanied by new channels of communication between the representatives of the Governments of Member States and those persons who had decided to contribute to the human rights debate as pioneers and champions of international action from below. Long years of oppression and lack of freedom had taught such Czechs to have a high regard for any criticism from the international community and had prompted them to rise without hesitation to defend all persons finding themselves in the same situation, without setting themselves up as judge or arbiter. It was out of respect for those principles of strengthening and promoting an open and frank international dialogue, and not out of any spirit of confrontation, that the Czech delegation had decided, after thorough scrutiny of the arguments, to submit a draft resolution on the

human rights situation in a certain country. It was convinced that the search for common values was the only approach capable of securing global peace in the twenty-first century.

STATEMENT BY MR. JOSE AYALA LASSO, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF ECUADOR

29. Mr. AYALA LASSO (Ecuador) said that he had had the honour of participating in the establishment of the Office of the United Nations High Commissioner for Human Rights as the first High Commissioner. The Office had turned into a reality the wish of the Secretary-General of the United Nations to place the defence and promotion of human rights at the centre of the Organization's concerns. In that connection a tribute must be paid to Mrs. Robinson for the great skill and tireless energy which she had brought to her task.

30. In 1997, with the Office already standing on solid foundations, he had decided to return to his country in order to contribute, at the request of the President of the Republic of Ecuador, to the efforts to solve by peaceful means the territorial dispute which had divided Ecuador and Peru for more than a century. He had the honour to inform the Commission that a peace agreement had been concluded between the two countries on 26 October 1998, in fact on the fiftieth anniversary of the Universal Declaration of Human Rights.

31. Unfortunately, Ecuador was currently confronted by serious economic problems. It would be necessary in that connection to examine the role of the international financial institutions and regulate the international flow of money so that it did not harm either investments in the countries affected by the crisis or the circulation of non-speculative capital.

32. With regard to the human rights situation in Ecuador, it could be said that the State was largely succeeding in securing respect for the rule of law, as was demonstrated by the penalties imposed on members of the forces of law and order who had violated human rights and by the reparations made to the victims of those violations once the courts had established the responsibility of the State. In addition, Ecuador had produced its first national plan for the promotion of human rights. Civil society had been closely involved in the formulation of the plan, which was designed to protect the rights of the most vulnerable population groups, and had been described as a model of its kind by a delegation of the Office of the High Commissioner for Human Rights.

33. With regard to the Commission itself, Ecuador warmly welcomed the report of the Bureau of the fifty-fourth session on the rationalization of the work of the Commission (E/CN.4/1999/104), in whose preparation it had participated as a member of the Bureau. It also hoped that the Commission would support the recommendations of the working group of intergovernmental experts on the human rights of migrants and appoint a special rapporteur to study that question. Ecuador deplored the re-emergence of racism and wished to contribute to the success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

34. The Government of Ecuador would continue to work actively, in collaboration with international institutions and NGOs, to ensure genuine protection for human rights in Ecuador and throughout the world.

STATEMENT BY MR. JEAN-MARTIN MBEMBA, MINISTER OF JUSTICE OF THE REPUBLIC OF THE CONGO

35. Mr. MBEMBA (Congo) said that in 1992 the Congolese people had been convinced that the establishment of a democratically elected regime had meant the end of the one-party system, tribalism, intolerance and political violence and that the country was going to set out resolutely along the path of development. It was in that climate of peace, national unity and reconstruction that Mr. Lissouba had been democratically elected President of the Republic.

36. However, during the five years of his term of office Mr. Lissouba had dashed the hopes born of the transition to democracy by systematically violating the Constitution, civil, political, economic, social and cultural rights, and international humanitarian law: dissolution of the democratically elected National Assembly; dismantling of the forces of law and order and creation of private militias; repeated attacks on the freedom of the press; erection of obstacles to the exercise of trade-union rights; persecution of opponents; squandering of the nation's assets and misappropriation of public funds; ethnic cleansing; scorn for pan-African and international organizations; and, above all, torture, summary executions and civil wars. The victims of the bloody policy pursued by Mr. Lissouba were numbered in the thousands. On 30 November 1992 the Presidential Guard had opened fire on peaceful demonstrators, killing three and wounding many. The two civil wars provoked by Mr. Lissouba in November 1993 and June 1997 had caused 2,000 and 15,000 deaths respectively.

37. Since June 1997 the present Government had been trying to restore human rights and fundamental freedoms. Amongst other things it had allowed the persons forcibly displaced by the preceding regime to return to their homes and exiled trade-unionists to return to their posts, and it had formally appealed to the members of militias to lay down their arms without fear of reprisals of any kind; it had paid the contributions owed by the State to international organizations and had ratified several international agreements and treaties.

38. Unfortunately, the social, political and military situation in the country had deteriorated in recent months owing to the acts of extortion perpetrated by the Kolelas militias and Lissouba armed gangs. For example, they had taken the Moukou Koulou hydroelectric dam by storm, depriving hospitals and many districts of water and electricity, and had taken hostage thousands of persons seeking refuge in the forests and villages, who were often denied food and care.

39. The Government sought national reconciliation and was ready to engage in negotiations to that end. However, it believed that the restoration of peace would require the surrender of the weapons of all the militias to the forces of law and order and the cessation of looting. It was aware that, from the United Kingdom where he had obtained asylum, Mr. Lissouba was plotting a

coup d'état, which might cause thousands of deaths, according to an article in The Mirror of 8 March 1999. Consequently the Government of the Republic of the Congo appealed to international institutions to help to restore the rule of law and organize free and democratic elections in the fairly near future.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/1992/2 and 109; E/CN.4/1998/CRP.4)

40. The CHAIRPERSON said that the Bureau had drawn up a draft programme of work, which would be submitted to the Commission for approval within the next few days, once the Commission had had time to study it. The Bureau proposed to apply most of the decisions adopted at the preceding session concerning the conduct of debates, in particular the decisions on the time allocated to the various categories of speaker, the submission of draft resolutions, the opening and closing of the list of speakers, the quorum rule, and the exercise of the right of reply. In particular, all statements in exercise of the right of reply should be made at the end of the day or at the end of the general debate on the relevant agenda item, at the discretion of the Chairperson.

41. The secretariat would also distribute a list of the persons - rapporteurs, special representatives, chairpersons of working groups of the Commission, and representatives of other United Nations bodies - invited to take part in the Commission's consideration of certain agenda items. She invited the members of the Commission to comment on the Bureau's proposals.

42. Mr. ALFONSO MARTINEZ (Cuba) said that he was prepared to approve the rules proposed by the Bureau with the exception of the rule on the exercise of the right of reply. He would prefer a more flexible approach, whereby delegations could exercise the right of reply not only at the end of the day or at the end of the general debate on a particular item, but also at the end of the meeting at which the statement that had given rise to the right of reply was made.

43. Mr. DE ICAZA (Mexico) expressed his agreement with the comment of the representative of Cuba and pointed out that, under rule 45 of the rules of procedure of the functional commissions of the Economic and Social Council, the right of reply was accorded by the Chairman to the representative of any Member who requested it, and representatives should attempt to deliver their statements preferably at the end of the meeting at which the request was made.

44. Mr. SINGH (India) remarked that any proposal put forward by the Bureau required the Commission's approval; furthermore, rules which were applied at one session did not necessarily have to be applied at the following one.

45. The CHAIRPERSON said that the Bureau was well acquainted with the rules of procedure; in proposing certain rules, it wished only to improve the existing procedures. She recognized that it was important for the delegation concerned by a right of reply to be present when that right was exercised, and said that the Chair would use its discretionary powers to allow delegations requesting the right of reply to exercise that right at the end of the meeting at which the request was made. If there were no other objections, she would take it that the Commission approved the Bureau's proposals.

46. It was so decided.

47. Mr. PALIHAKKARA (Sri Lanka), speaking on behalf of the Asian Group, expressed the hope that the measures decided upon at the preceding session with a view to applying effective time management methods, limiting additional meetings, facilitating NGO participation in conformity with relevant ECOSOC resolutions and, above all, creating an atmosphere conducive to consultation and understanding would be followed through and strengthened at the current session. The Asian Group welcomed the continuation of the practice of the "extended Bureau", whereby regional group coordinators participated in Bureau meetings, and hoped that the frequency of Bureau meetings would increase and that the regional groups would be provided with the same facilities as at the previous session.

48. With regard to NGO participation in the Commission, there appeared to be growing consensus on the means of clarifying the role of NGOs in order to ensure that the Commission's effectiveness was enhanced by their participation. The secretariat should determine the status of each NGO before the beginning of the session and should examine requests for making statements so as to avoid abuses and repetitiousness. Joint statements should be encouraged as a means of saving time and resources. The secretariat should strictly apply the guidelines set out in ECOSOC resolution 1996/31 with a view to ensuring the objectivity and representativeness of participating NGOs and enhancing cooperation between them and government delegations. Cases of misuse of accreditation procedures to advance interests other than human rights should be immediately referred to an intergovernmental body such as the NGO Committee in New York.

49. There was a need for the Commission to develop further the areas of cooperation, consultation and consensus-building with a view to enhancing its effectiveness. Decisions adopted on such a basis would attract a wider measure of acceptance and, consequently, of compliance. Wider and more frequent consultations should be held on as many draft resolutions as possible in order to promote their adoption by consensus.

50. The Asian Group continued to feel that the length of the Commission's sessions should be reduced to four weeks. Biennialization and clustering of agenda items, reduction of the number and length of resolutions, and strict compliance with speaking time limits were all measures that would help to rationalize the Commission's work. Everything should be done to ensure that documents were distributed well in advance of the session. The Asian Group had long advocated a thorough restructuring of the Commission's agenda, but it noted that no meaningful steps had yet been taken to minimize or eliminate overlapping between various agenda items, mechanisms and documents emanating from them. It further believed that intrusive monitoring of the implementation of decisions had failed to achieve the desired result and that it was therefore necessary to adopt a consensual approach more likely to attract cooperation and compliance by governments.

51. In that connection, the Asian Group welcomed the report of the Bureau of the fifty-fourth session on the rationalization of the work of the Commission (E/CN.4/1999/104), which contained suggestions and recommendations with far-reaching implications for the Commission, its Bureau and its mechanisms. The Asian Group, like others, had made known its views on the report. Other views, including those of NGOs, would be forthcoming. All such comments were

indicative of a readiness to engage in a serious dialogue with a view to developing consensus on the important issues involved. The Asian Group supported the proposal to set up an open-ended intersessional working group to consider the Bureau's conclusions, and was ready to cooperate fully in that exercise.

52. Mr. SINGH (India), speaking on behalf of the delegations of 16 other countries (Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka and Sudan), said that the comments on the report of the Bureau of the fifty-fourth session on the rationalization of the work of the Commission (E/CN.4/1999/104) formulated by most of those delegations in document E/CN.4/1999/120 bore witness to their interest in the matter. The delegations concerned stood ready to engage in a frank and constructive discussion of all the issues touched upon in the Bureau's report with a view to reaching positive results by consensus as quickly as possible. It was, however, essential that agreement should first be achieved on a process that would enable all States to contribute effectively to such a discussion. At the present session, the Commission was working on the basis of a new agenda which was still untested in practice. It would also be called upon to deal with a number of important and urgent matters, such as the preparations for the World Conference on Racism or the restoration of consensus on the right to development. Furthermore, many proposals put forward by representatives of civil society also deserved careful consideration. In the interests of the cause of human rights, it was essential to do justice to each of those issues and to consider them in a balanced manner. As representatives of developing countries, the 17 delegations on whose behalf he was speaking would wish to contribute meaningfully to promoting the universality of human rights as part of a collective endeavour involving all the countries of the world. In that connection, they wished to point out that they would find it extremely difficult to take on additional substantive burdens without neglecting issues already before the Commission.

53. In submitting its report, the Bureau had fulfilled its mandate to make recommendations to the Commission at its fifty-fifth session. It was now for the Commission, when considering agenda item 20, to take a substantive decision on how to proceed further. As the Bureau had pointed out in the report, the rationalization of the work of the Commission could only be addressed by taking a careful look at its network of subsidiary mechanisms as a whole. The Commission should therefore take care not to repeat the mistakes of the past by engaging in a selective consideration of some issues, while neglecting others and losing sight of the larger picture.

54. For all those reasons, it would be useful if the Bureau's report were considered in a detailed and transparent manner by an open-ended intersessional working group proceeding on the principle of consensus. That had traditionally been the procedure for dealing with issues which the Commission as a whole could not consider in detail owing to time limitations. The argument that such a procedure would merely block progress was unfounded, especially since the process of review of the Commission's mechanisms and methods of work had already begun with the tabling of draft resolution E/CN.4/1998/L.2/Rev.1, subsequently withdrawn, at the fifty-fourth

session. The 17 delegations on whose behalf he was speaking intended to table a draft resolution calling for the establishment of a working group to consider the report of the Bureau of the fifty-fourth session of the Commission and other related proposals, a compilation of which might perhaps be prepared by the Office of the High Commissioner for Human Rights. The proposed working group would also consider all related issues, including transparency in negotiations, the Commission's methods of work, NGO participation and the staffing policy of the Office of the High Commissioner, which were directly related to the effectiveness and smooth functioning of the Commission's mechanisms.

55. Mr. CHOWDHURY (Bangladesh) said that he believed the growing interest in the Commission's working procedures flowed largely from the need to make the Commission and its human rights mechanisms more responsive to the new demands placed upon them. The current session provided an opportunity for a clear affirmation of general political will to rationalize the Commission's work in the interest of making it more coherent, more flexible, more creative and more effective on the eve of the third millennium. With that object in view, his delegation associated itself with the statement made on the item by the representative of Sri Lanka on behalf of the Asian Group. Genuine reforms in the Commission, whether relating to substantive discussions of agenda items or to working methods, should aim at advancing human rights globally and on an equal footing, in conformity with the Vienna Declaration and Programme of Action which recognized the universality, indivisibility and interdependence of all human rights. The spirit of the Vienna Declaration and Programme of Action, which was founded upon objectivity, non-politicization, non-selectivity and transparency, needed to be maintained in the Commission's work. It was therefore essential that in condemning human rights violations the Commission should apply the same standards irrespective of where the violations occurred.

56. The Commission was, unfortunately, being accused in certain quarters of lacking consistency in its decisions and of providing a forum for sterile confrontation. Such perceptions greatly undermined the Commission's credibility. In reality, it was lack of adequate consultation or dialogue that sometimes led to situations of non-compliance, or even to intransigence, thus creating a vicious circle of confrontation and non-cooperation which certainly did not serve the cause of human rights. Draft resolution E/CN.4/1998/L.2 and its annex, submitted at the previous session, had been intended simply to emphasize the merits of cooperation, transparency and consensus-building within the Commission. The exercise of reflection on the organization of work should provide an opportunity to seek ways of enhancing not merely the effectiveness but also the credibility of the Commission. The recommendations made in that regard by the Bureau of the fifty-fourth session deserved careful consideration.

57. Mr. KESANG (Bhutan) said that his delegation attached great importance to improving the methods of work of the Commission. It was convinced that by promoting transparency, cooperation, dialogue and consensus-building, the Commission would acquit itself more effectively of its sole task, which was to make human rights a reality for all.

58. The very comprehensive report of th Bureau of the fifty-fourth session on the rationalization of the work of the Commission (E/CN.4/1999/104), as well as all other submissions by States in that context, should be considered in a transparent and holistic manner with a view to arriving at consensus decisions. His delegation fully supported the Indian representative's proposal for the establishment of an open-ended intersessional working group to consider the Bureau's report and its related submissions, and hoped that the Commission would give that proposal serious consideration.

59. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation's views on the Bureau's report had been duly reflected in the statement made by the representative of India on behalf of 16 other countries including Cuba. He wished, however, to elaborate on a few points which he considered to be essential. No agenda item, and particularly not agenda item 20, should monopolize the Commission's attention to the detriment of other items. Furthermore, the substance of the document prepared by the Bureau of the fifty-fourth session could be considered in a thorough and transparent manner only in plenary. That was why his delegation had formally proposed that at least one additional plenary meeting should be set aside for the consideration of agenda item 20. That did not preclude the possibility of holding informal consultations on the methodology that should be adopted in analysing the Bureau's report, and, in particular, the procedure for taking decisions on the points of substance it contained. His delegation, for its part, considered that it would be preferable to adopt those decisions by consensus.

60. It further considered that if the Commission wished to enhance its effectiveness and improve the quality of its work, it was obliged, as a matter of urgency, to reform its working methods. In that connection, his delegation felt that the Commission should take account of the proposals it had advanced at the preceding session, which were contained in the annex to draft resolution E/CN.4/1998/L.2. Cuba was ready to collaborate fully with all other delegations towards the rationalization of the Commission's work.

61. Mr. AKRAM (Pakistan) said that, as the people of Kashmir knew only too well, in the field of human rights there was always the risk of doing too little too late. The Commission's responsibility was so great and the existing international instruments were so imperfect that there was also the further risk that States, groups or organizations might use human rights for partisan ends, thus doing a disservice to the cause they claimed to be serving.

62. With regard to the report on the rationalization of the work of the Commission prepared by the Bureau of the fifty-fourth session, which deserved thanks for carrying out that task, his delegation thought that the Commission should examine the report in a thorough and transparent manner and should arrive at consensus decisions on the proposals contained in the report in the interests of ensuring universal recognition and support for the human rights mechanisms.

63. Speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), he reminded the Commission that Islam was a religion of peace which had enunciated the concept of human rights more than 14 centuries earlier. The OIC member States therefore found it extremely

disturbing that at recent sessions of the Commission and the Sub-Commission attempts had been made to misinterpret the divine tenets of Islam and to cast Islam in the most negative light possible. The OIC did not seek in any way to deny the right to freedom of expression; it simply asked that the right be exercised in a responsible manner. It therefore urged all parties to desist from attacking other religions or beliefs and to work in a spirit of cooperation and respect of the various streams of thought represented within the Commission.

64. The OIC appreciated the efforts made by previous Commission chairpersons, especially Mr. Selebi, to introduce transparency into the work of the Commission. However, a great deal still remained to be done to achieve that goal, especially with regard to so-called "country resolutions". Steps should be taken to ensure the widest possible participation in the preparation of resolutions adopted by the Commission. There was also a need to examine whether the resolutions submitted to the Commission measured up to the principles of non-selectivity and objectivity proclaimed by the Vienna Conference.

65. With regard to NGO participation in the work of the Commission, the members of the OIC hoped that the Chairperson would ensure that the established rules were duly observed. Furthermore, given the fact that most delegations of OIC member States were small and could not take part in all the work undertaken simultaneously during sessions, it was desirable that consultations or negotiations on draft resolutions or decisions should be announced at least 24 hours in advance and that such negotiations and consultations should be organized in such a way as to ensure the widest possible participation.

66. In conclusion, he said that the OIC welcomed the report of the Bureau of the fifty-fourth session on the rationalization of the work of the Commission. It shared the view that the Commission and its mechanisms were in need of reform and favoured a thorough and comprehensive consideration of all proposals. The OIC members believed that an open-ended intersessional working group should be set up to examine all those issues with a view to arriving at consensus decisions.

The meeting rose at 12.55 p.m.